

**Zoning Board of Appeals Minutes  
September 24, 2019**

<b>ZBA MEMBERS</b>	<b>ZBA MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
Jim Racheff- Chair Lawrence Aronow Shuan Butcher Steve West Bob Sisson	Kenneth Ying	Gabrielle Collard – Division Manager of Current Planning Rachel Depo—Assistant City Attorney Sherry Kelly, City Planner

**I. ANNOUNCEMENTS:**

Ms. Collard made an announcement for residents to get involved in the Comprehensive Plan process. Information for the Comprehensive Plan can be found on City of Frederick website or individuals can contact the Planning Department with questions.

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**II. GENERAL PUBLIC COMMENT:**

**III. APPROVAL OF MINUTES:**

Approval of the **July 23, 2019** Zoning Board of Appeals Meeting Minutes as published:

**MOTION:** Mr. Sisson  
**SECOND:** Mr. Butcher  
**VOTE:** 4-0

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**IV. PUBLIC HEARING-SWEARING IN:**

*“Do you solemnly swear or affirm that the responses given, and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth.” If so, answer “I do”.*

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**V. CONTINUANCES: None**

**VI. OLD BUSINESS: None**

**VII. NEW BUSINESS:**

**A. ZBA19-655V, Variance, 2606 Monocacy Ford Road**

**MOTION:** Mr. West moved for denial of the variance request for ZBA19-655V, under the powers granted to the Board by Section 203 of the Land Management Code, finding that:

1. That there are no conditions peculiar to the Property, such as exceptional narrowness, shallowness, shape, topographical conditions, or the use of the Property or adjacent properties, under which the strict application of the required rear setback causes a peculiar or unusual practical difficulty to, or exception to, or undue hardship upon the Applicant.
2. In the absence of any unique characteristics of the lot or the use thereon or adjacent to and there being no practical or undue hardship to the Applicant, the request for a variance is not warranted.
3. The application of the setback standards will not deprive the Applicant reasonable use of the Property nor of rights commonly enjoyed by other properties in the same district and within the PND;
4. Granting the variance will confer a special privilege on the Applicant that is generally denied by the LMC to other lands or structures in the same district and within the PND;
5. While granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, it is not in harmony with the general purpose and intent of the Code including the PND and master plan provisions; and
6. While the Applicant did not create the lot layout or determine the house location, the request is the result of their desire to construct an enclosed patio.

**SECOND:** No second

**VOTE:** The motion did not carry.

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**MOTION:** Mr. Sisson moved for approval of the variance request for ZBA19-655V, under the powers granted to the Board by Section 203 of the Land Management Code, finding that:

1. There are conditions particular to the Property including the location of the Monocacy River that causes a particular or unusual practical difficulty or undue hardship upon the Applicant.
2. This particular characteristic creates the undue hardship to the Applicant.
3. If the application is not approved, the Applicant will be deprived of use of part of their property due to the change in the weather and space that has been created by a fully permitted deck and patio.
4. Granting the variance will not confer a special privilege on the Applicant as the area is already defined.
5. Granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

With a Condition:

1. The enclosure be screening and be no opaque surface.

**SECOND:** Mr. Aronow

**VOTE:** 3-1(Mr. West Opposed)

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#### **E. BOARD BUSINESS:**

Election of Officers was postponed until the October 22, 2019 ZBA Hearing.

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#### **F. ITEMS ADDED TO AGENDA**

**Zoning Determinations Completed:**

- ZBA19-425ZD, 607 Windview Way
  - ZBA19-432ZD, 33 Hamilton Avenue
  - ZBA19-772ZD, East of Market Phase II
  - ZBA19-775ZD, 1080 W. Patrick Street
  - ZBA19-851ZD, Vista View Condominium
  - ZBA19-863ZD, 7810 Wormans Mill Road
  - ZBA19-896ZD, 45 Waverley Drive
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**VIII. ADJOURNMENT**

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**Meeting adjourned approximately at 7:40 p.m.**

Respectfully Submitted,

Jessica Murphy  
Administrative Assistant